

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

HEATHER D.BOLE,

Plaintiff,

V.

COMMISSIONER of SOCIAL SECURITY,

Defendant.

Case No. 20-cv-444-RJD

ORDER

DALY, Magistrate Judge:

Before the Court is the parties' Agreed Motion to Remand to the Commissioner (Doc. 30).

The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *see also Perlman v. Swiss Bank Corp. Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, “the ALJ will: (1) consider the medical, opinion, and other evidence regarding physical and mental functioning; (2) evaluate Plaintiff’s subjective symptom allegations; and (3) offer Plaintiff the opportunity for a hearing, take further action to complete the administrative record resolving the above issues, and issue a new decision.”

Plaintiff applied for disability benefits in October 2009 (Tr. 43). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Agreed Motion to Remand to the Commissioner (Doc.

30) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Plaintiff's application for social security disability benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of Plaintiff.

IT IS SO ORDERED.

DATED: February 11, 2021

s/ *Reona J. Daly*
Hon. Reona J. Daly
United States Magistrate Judge